

REMARKS

No amendments to the specification or claims are made herein. Accordingly, claims 1-21 remain pending in this application.

Applicant respectfully thanks the Office for the indication that dependent claims 3, 11, and 20 distinguish over the prior art of record and would be allowable if amended into independent form. However, Applicant has not herein amended these claims into independent form because applicant believes that the independent claims, claims 1 and 9, distinguish over the prior art of record for the reasons set forth below.

The Office rejected claims 1-2, 4-10, 12-19, and 21 under 35 U.S.C. §103 as being unpatentable over Bork in view of Dymek and Jacobsen. No new art has been cited in the Office Action, but the art has been combined in different ways than in the first Office Action. Accordingly, these rejections comprise new grounds of rejection.

Applicant respectfully traverses the new rejections as the invention patentably distinguishes over the various proposed combinations of Bork, Dymek, and Jacobsen.

The present invention relates to a hunter safety system in which each hunter carries an electronic device capable of determining its own location (such as through a GPS receiver) and communicating that information to other such devices (such as through a peer-to-peer wireless communication system or a cellular wireless communication system). The electronic device can be mounted on the hunter's firearm or body or otherwise be adapted to know the direction in which the hunter's firearm is pointing and warn the hunter and/or disable the firing mechanism of the firearm if the

firearm is pointing in the direction of another one of such electronic devices (presumably carried by another hunter).

Bork, on the other hand, discloses a wireless location and direction indicator for multiple devices utilizing GPS, a compass and a wireless communication system. However, Bork is not adapted for a hunting environment or similar outdoor environment. Instead, Bork is directed to urban-type applications such as finding lost children in malls.

The Office asserts that Bork teaches the limitation found in claim 1 of "indicat[ing] if an unsafe condition exists, said unsafe condition comprising another of said devices being within a certain distance and in a certain direction of said device" because Bork teaches providing an alert if two units become separated by more than a predetermined distance (col. 3, lines 54-58) and because Bork's devices determine their orientation relative to each other. Applicant believes that the Office's description of Bork in this regard is largely correct. However, claim 1 claims something different entirely. First of all, in Bork, the "unsafe" condition is that two units are too far from each other, whereas in the present invention as claimed in claim 1, an unsafe condition exists if two units are too close to one another. Secondly, while Bork determines the direction between two units, he does not use that information in any way to generate a warning condition. In claim 1, the unit uses the determined directional information and generates a warning if the other unit is in a particular direction (and within a particular distance). Bork simply does not teach this feature. Merely determining the direction between two units is merely the first step to issuing a warning signal if the direction is a

particular direction. Bork simply does not teach the issuance of a warning signal based on such information.

Accordingly, claim 1 clearly distinguishes over the prior art of record for at least the two reasons discussed above.

Independent claim 9 includes essentially the same substantive limitations discussed above in connection with claim 1 and, therefore, distinguishes over the prior art for the same reasons.

All other claims depend from one of claims 1 and 9 and, therefore, also distinguish over the prior art of record for the same reasons.

Dependent claim 15 even further distinguishes over the prior art of record. Claim 15 depends from claim 9 and recites that the apparatus further comprises "a warning device indicating said unsafe condition." The Office conceded that Bork does not disclose this limitation, but asserted that Dymek discloses a warning device for indicating an unsafe condition and that the warning device is an audio device at column 4, lines 9-39.

Dymek discloses a firefighter emergency locator system in which a firefighter wears a mobile electronic device comprising a GPS receiver and a radio transmitter that transmits the location of the firefighter to a central unit which stores in memory the path of the firefighter. If the firefighter needs to be rescued, the firefighter activates a button on the unit to request rescue. The central unit receives the rescue request and generates an audio and visual warning signal. The central unit can upload the path of the downed firefighter to other mobile units by physically coupling the other mobile units

to the central unit to transfer the data. The other mobile units include a display with arrows that selectively illuminate to guide the rescuer to follow the path of the downed firefighter. Accordingly, other firefighters can carry a mobile unit, follow the arrow directions indicated by the mobile unit to find the downed firefighter.

The Office has misunderstood either what is being claimed in claim 15 or what is disclosed by Dymek because the present rejection of claim 15 in view of Bork and Dymek suffers from exactly the same problem as the previous rejection of claim 15 in view of Bork, Dymek and Ellis. In the previous Office Action, the Office asserted that Ellis (rather than Dymek) taught the above-noted limitation. The office withdrew the previous rejection, thus indicating that the Office conceded that Applicant was correct. However, Dymek is exactly the same as Ellis with respect to this feature. Just as was the case with Ellis, Dymek discloses an audible (and visual) warning device on the central unit that receives the unsafe condition information, not on the mobile unit that generates the unsafe condition information. Claim 15 recites that the warning device is on the mobile unit that generates the unsafe condition information. Dymek does not meet this limitation.

Accordingly, claim 15 clearly further distinguishes over the prior art of record.

The same analysis applies to claim 16, which depends from claims 9 and 15 and adds that the warning device is an audio device for generating an audible signal. Again, claim 16 is referring to the warning device on the mobile unit carried by the hunter, not on a separate central unit.

Dependent claim 21 also further distinguishes over the prior art of record. Claim 21 depends from independent claim 9 and recites that "said processing device causes said transmitter to transmit said location information only if said apparatus has moved more than a predetermined distance since the last time the apparatus transmitted its location information." The Office asserted that Bork teaches, in column 4-5, lines 27-67, that the transmitter transmits its location information only if the apparatus has moved more than a predefined distance since the last time the apparatus transmitted its location information.

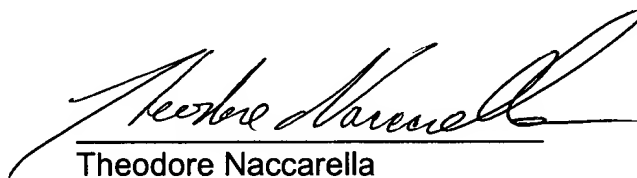
The Office may be misinterpreting what is claimed in claim 21 since applicant has reviewed the cited portion of Bork (and, in fact, the entire reference) and has been unable to find anything even remotely resembling this feature. This feature of the invention pertains to a situation in which the system conserves battery power by not transmitting location information at the normal predetermined intervals if the location of the person/unit does not change. As noted in the specification, the most power-hungry aspect of the device of the present invention is transmitting its location information wirelessly. In hunting, hunters often remain stationary for lengthy periods of time. Accordingly, it is a waste of power to continuously transmit the same data location over and over again. Thus, instead, the apparatus determines for itself whether it has moved since the last time it reported its location information. If not, it simply does not report that information and the central unit or other mobile units, who do not receive any new location information from that unit, simply assume that it is in the same position as

last reported. Nothing describing anything remotely resembling this feature is found within Bork.

Accordingly, dependent claim 21 even further distinguishes over the prior art.

In view of the foregoing remarks, this application is now in condition for allowance. Applicant respectfully requests the Examiner to issue a Notice of Allowance at the earliest possible date. The Examiner is invited to contact Applicant's undersigned counsel by telephone call in order to further the prosecution of this case in any way.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Theodore Naccarella', written over a horizontal line.

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